

103D CONGRESS
1ST SESSION

S. 579

To require Congress to comply with the laws it imposes on others.

IN THE SENATE OF THE UNITED STATES

MARCH 11 (legislative day, MARCH 3), 1993

Mr. SMITH introduced the following bill; which was read twice and referred
to the Committee on Governmental Affairs

A BILL

To require Congress to comply with the laws it imposes
on others.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Equity for Congress
5 Act”.

6 **SEC. 2. COVERAGE OF CONGRESS AND PRESIDENTIAL AP-**
7 **POINTEES.**

8 (a) APPLICATION.—

9 (1) IN GENERAL.—The rights and protections
10 provided pursuant to this Act and the provisions of

1 law specified in paragraph (2) shall apply with re-
2 spect to employment by the Congress.

3 (2) PROVISIONS.—The provisions of law that
4 shall apply with respect to employment by Congress
5 are—

6 (A) title VII of the Civil Rights Act of
7 1964 (42 U.S.C. 2000e et seq.),

8 (B) the Age Discrimination in Employment
9 Act of 1967 (29 U.S.C. 621 et seq.),

10 (C) the National Labor Relations Act (29
11 U.S.C. 151 et seq.),

12 (D) section 1977 of the Revised Statutes
13 (42 U.S.C. 1881),

14 (E) section 1977A of the Revised Statutes
15 (42 U.S.C. 1881a),

16 (F) the Fair Labor Standards Act of 1938
17 (29 U.S.C. 201 et seq.),

18 (G) the Occupational Safety and Health
19 Act of 1970 (29 U.S.C. 651 et seq.), and

20 (H) the Family and Medical Leave Act of
21 1993.

22 (b) ENFORCEMENT BY ADMINISTRATIVE ACTION.—

23 (1) IN GENERAL.—A congressional employee,
24 including a class or organization on behalf of a con-
25 gressional employee, may bring an administrative ac-

1 tion in accordance with paragraph (2) before an ad-
2 ministrative agency to enforce the application of a
3 law set out in subsection (a)(2) by the Congress or
4 the congressional employer of such employee, to such
5 employee if a similarly situated complaining party
6 may bring such an action before such agency.

7 (2) REQUIREMENTS.—An administrative action
8 described in paragraph (1) shall be commenced in
9 accordance with the statutory and procedural re-
10 quirements of the law which is sought to be en-
11 forced.

12 (3) ADMINISTRATIVE ACTION.—An administra-
13 tive agency before which is brought an action de-
14 scribed in paragraph (1) may take such action
15 against Congress or the congressional employer cited
16 in the action as the agency could take an action
17 brought by a similarly situated complaining party.

18 (c) ENFORCEMENT BY CIVIL ACTION.—

19 (1) IN GENERAL.—A congressional employee,
20 including a class or organization acting on behalf of
21 a congressional employee, may bring a civil action to
22 enforce a provision of law set out in subsection
23 (a)(2) in a court authorized by paragraph (3)
24 against the Congress or the congressional employer

1 of such employee if a similarly situated complaining
2 party could bring such a civil action.

3 (2) REQUIREMENTS.—A civil action described
4 in paragraph (1) shall be commenced in accordance
5 with the statutory and procedural requirements of
6 the law which is sought to be enforced.

7 (3) VENUE.—An action may be brought under
8 paragraph (1) to enforce a provision of law set out
9 in subsection (a)(2) in any court of competent juris-
10 diction in which a similarly situated complaining
11 party may otherwise bring civil action to enforce
12 such provision.

13 (4) RELIEF.—In any civil action brought under
14 paragraph (1) to enforce a provision of law set out
15 in subsection (a)(2), the court—

16 (A) may grant as relief against the Con-
17 gress or congressional employer any equitable
18 relief otherwise available to a similarly situated
19 complaining party bringing a civil action to en-
20 force the provision;

21 (B) may grant as relief against Congress
22 any damages that would otherwise be available
23 to such a complaining party; and

24 (C) allow such fees and costs as would be
25 allowed in such an action by such a party.

1 **SEC. 3. MATTERS OTHER THAN EMPLOYMENT.**

2 (a) RIGHTS AND PROTECTIONS.—In accordance with
3 paragraph (6) of section 509(a) of the Americans with
4 Disabilities Act of 1990 (42 U.S.C. 12209), the rights and
5 protections provided under such Act shall apply with re-
6 spect to the conduct of the Congress regarding matters
7 other than employment.

8 (b) ENFORCEMENT.—To enforce paragraph (1), any
9 person may—

10 (1) bring an administrative action described in
11 subsection 2(b), or

12 (2) a civil action described in section 2(c).

13 **SEC. 4. INFORMATION.**

14 (a) APPLICATION.—The rights and protections pro-
15 vided pursuant to section 552a of title 5, United States
16 Code, shall apply with respect to information in the pos-
17 session of the Congress.

18 (b) ENFORCEMENT.—To enforce subsection (a), any
19 person may—

20 (1) bring an administrative action described in
21 section 2(b), or

22 (2) a civil action described in section 2(c),
23 against Congress or a congressional employer in pos-
24 session of information.

1 **SEC. 5. INDEPENDENT COUNSEL.**

2 (a) APPLICATION.—(1) The rights and protections
3 provided pursuant to chapter 40 of title 28, United States
4 Code, shall apply with respect to investigation of congres-
5 sional improprieties.

6 (2) ENFORCEMENT.—To enforce subsection (a), any
7 person may—

8 (A) bring an administrative action described in
9 section 2(b), or

10 (B) a civil action described in section 2(c),
11 against any party with a duty under such chapter
12 40.

13 **SEC. 6. AMENDMENTS TO THE RULES OF THE SENATE.**

14 Rule XIV of the Standing Rules of the Senate is
15 amended by adding at the appropriate place the following:
16 “No bill, resolution, or amendment which creates a re-
17 quirement of general applicability but which exempts the
18 Congress of the United States from its provisions may be
19 considered except by a vote of three-fifths of Senators duly
20 chosen and sworn.”.

21 **SEC. 7. AMENDMENT TO THE RULES OF THE HOUSE OF**
22 **REPRESENTATIVES.**

23 Rule XXIV of the House of Representatives is
24 amended by adding at the end the following:

25 “(9) No bill, resolution, or amended which creates a
26 requirement of general applicability but which exempts the

1 Congress of the United States from its provisions may be
2 considered except by a vote of three-fifths of the Members
3 duly chosen and sworn.”.

4 **SEC. 8. DEFINITIONS.**

5 For the purposes of this Act:

6 (1) The term “congressional employer”
7 means—

8 (A) a supervisor as described in paragraph
9 12 of Rule XXXVII of the Rules of the Senate.

10 (B)(i) a Member of the House of Rep-
11 resentatives with respect to the administrative,
12 clerical, and other assistants of a Member.

13 (ii) A Member who is the chairman of a
14 committee with respect to the professional, cler-
15 ical and other assistants to the committee.

16 (iii) The ranking minority Member of a
17 committee with respect to the minority staff
18 members of the committee.

19 (iv) A member who is the chairman of a
20 subcommittee which has its own staff and fi-
21 nancial authorization with respect to the profes-
22 sional, clerical, and other assistants to the sub-
23 committee.

1 (v) The ranking minority Member of a
2 subcommittee with respect to the minority staff
3 members of the subcommittee.

4 (vi) The Majority and Minority Leaders of
5 the House of Representatives and the Majority
6 and Minority Whips with respect to the re-
7 search, clerical, and other assistants to their re-
8 spective offices.

9 (vii) The other officers of the House of
10 Representatives with respect to the employees
11 of such officers.

12 (C) The Architect of the Capitol with re-
13 spect to the employees of the Architect of the
14 Capitol.

15 (D) The Director of the Congressional
16 Budget Office with respect to the employees of
17 such office.

18 (E) The Comptroller General with respect
19 to the employees of the General Accounting Of-
20 fice.

21 (F) The Public Printer with respect to the
22 employees of the Government Printing Office.

23 (G) The Librarian of Congress with re-
24 spect to the employees of the Library of Con-
25 gress.

1 (H) The Director of the Office of Tech-
2 nology Assessment with respect to employees of
3 such office.

4 (I) The Director of the United States Bo-
5 tanic Gardens with respect to the employees of
6 such gardens.

7 (2) The term “congressional employee” means
8 an employee who is employed by, or an applicant for
9 employment with, a congressional employer.

10 (3) The term “similarly situated complaining
11 party” means—

12 (A) in the case of a party seeking to en-
13 force a provision with a separate enforcement
14 mechanism for governmental complaining par-
15 ties, a governmental complaining party, or

16 (B) in the case of a party seeking to en-
17 force a provision with no such separate mecha-
18 nism, a complaining party.

19 **SEC. 9. EFFECTIVE DATE.**

20 This Act shall take effect one hundred and twenty
21 days after the date of its enactment.

○